

**THE DEPARTMENT OF THE TREASURY
OFFICE OF PROFESSIONAL RESPONSIBILITY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C.**

**DIRECTOR,
OFFICE OF PROFESSIONAL
RESPONSIBILITY,**

Complainant

v.

LARRY C. BIDWELL,

Respondent.

COMPLAINT NO. 2009-02

DEFAULT DECISION AND ORDER

On March 4, 2009, a Complaint was issued on behalf of the Acting Director, Office of Professional Responsibility, Internal Revenue Service, Department of the Treasury ("Complainant"), pursuant to 31 C.F.R. §§ 10.60 and 10.91 and 31 U.S.C. § 330. The Complaint alleged that Larry C. Bidwell ("Respondent"), an Enrolled Agent ("EA") who has engaged in practice before the Internal Revenue Service, has engaged in disreputable conduct within the meaning of 31 C.F.R. § 10.51. The Complaint seeks to have Respondent suspended from practice before the Internal Revenue Service for an indefinite period lasting not less than thirty-six (36) months. The suspension sought would allow any reinstatement thereafter at the sole discretion of the Office of Professional Responsibility, and reinstatement at minimum would require Respondent to have filed all Federal tax returns and paid all outstanding Federal tax liabilities for which he is responsible, or to have entered into an installment agreement or offer of compromise which has been accepted by the Internal Revenue Service and with which Respondent has remained in compliance.

On March 4, 2009, the Complaint, with a cover letter, was served on Respondent by certified mail addressed to Respondent at his last known mailing address on file with the Internal Revenue Service: Address 1. A signed Return Receipt for delivery of the Complaint was returned to the Complainant on March 7, 2009.

The Complaint notified Respondent that he was required to file and serve an answer within thirty (30) calendar days from the date of service, and that a failure to file an answer may result in a decision by default being rendered against Respondent. However, no answer has been filed.

On June 19, 2009, counsel for the Complainant filed a Motion for a Decision by Default for Respondent's failure to file a timely answer. The motion was served upon Respondent by certified mail, return receipt requested, addressed to Respondent at his last known mailing address on file with the Internal Revenue Service: Address 1. Respondent has not filed a response to the Motion.

FINDINGS OF FACT

On the basis of the Complaint, the following Findings of Fact are made:

1. At all material times, Respondent, Larry C. Bidwell, has been an EA who engaged in practice before the Internal Revenue Service and is subject to the disciplinary authority of the Secretary of the Treasury and the Acting Director, Office of Professional Responsibility, and to the rules and regulations contained in 31 C.F.R. Part 10.
2. On March 4, 2009, Complainant filed a Complaint alleging that Respondent has engaged in disreputable conduct within the meaning of 31 C.F.R. § 10.51 as set forth in Counts 1-21 below. To date, Respondent has not filed an answer.
3. On June 19, 2009, Complainant filed a Motion for a Decision by Default for Respondent's failure to file a timely answer. To date, Respondent has not filed a response to the Motion.

COUNT 1

4. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to timely file a Federal Income tax return (form 1040) for tax year 1997, on or before October 15, 1998.
5. Respondent failed to timely file a Federal income tax return (Form 1040).
6. Such failure to file was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (d) (Rev. June 20, 1994) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 2

7. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to timely file a Federal Income tax return (form 1040) for tax year 1998, on or before October 15, 1999.
8. Respondent failed to timely file a Federal income tax return (Form 1040).
9. Such failure to file was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (d) (Rev. June 20, 1994) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 3

10. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to timely file a Federal Income tax return (form 1040) for tax year 2002, on or before October 15, 2003
11. Respondent failed to timely file a Federal income tax return (Form 1040).
12. Such failure to file was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26, 2002)

more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 4

13. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to timely file a Federal Income tax return (Form 1040) for tax year 2005, on or before October 15, 2006.
14. Respondent failed to timely file a Federal income tax return (Form 1040).
15. Such failure to file was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (d) (Rev. July 26, 2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 5

16. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to timely file a Federal Income tax return (Form 1040) for tax year 2006, on or before October 15, 2007.
17. Respondent failed to timely file a Federal income tax return (Form 1040).
18. Such failure to file was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (a)(6) (Rev. September 26, 2007) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 6

19. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to pay his Federal individual income taxes for tax year 1997 on or before April 15, 1998.
20. Respondent failed to pay his Federal income taxes and, as of November 19, 2007, owed in excess of \$33,000.00, and remains delinquent.

21. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (d) (Rev. June 20, 1994) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 7

22. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to pay his Federal individual income taxes for tax year 1998 on or before April 15, 1999.
23. Respondent failed to pay his Federal income taxes and, as of November 19, 2007, owed in excess of \$27,000.00, and remains delinquent.
24. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (d) (Rev. June 20, 1994) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 8

25. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to pay his Federal individual income taxes for tax year 1999 on or before April 15, 2000.
26. Respondent failed to pay his Federal income taxes and, as of November 19, 2007, owed in excess of \$13,000.00, and remains delinquent.
27. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (d) (Rev. June 20, 1994) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 9

28. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to pay his Federal individual income taxes for tax year 2000 on or before April 15, 2001.

29. Respondent failed to pay his Federal income taxes and, as of November 19, 2007, owed in excess of \$17,000.00, and remains delinquent.
30. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (d) (Rev. June 20, 1994) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 10

31. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to pay his Federal individual income taxes for tax year 2001 on or before April 15, 2002.
32. Respondent failed to pay his Federal income taxes and, as of November 19, 2007, owed in excess of \$14,000.00, and remains delinquent.
33. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (d) (Rev. June 20, 1994) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 11

34. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to pay his Federal individual income taxes for tax year 2002 on or before April 15, 2003.
35. Respondent failed to pay his Federal income taxes and, as of November 19, 2007, owed in excess of \$25,000.00, and remains delinquent.
36. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26, 2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 12

- 37. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to pay his Federal individual income taxes for tax year 2003 on or before April 15, 2004.
- 38. Respondent failed to pay his Federal income taxes and, as of November 19, 2007, owed in excess of \$23,000.00, and remains delinquent.
- 39. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26, 2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 13

- 40. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to pay his Federal individual income taxes for tax year 2004 on or before April 15, 2005.
- 41. Respondent failed to pay his Federal income taxes and, as of November 19, 2007, owed in excess of \$20,000, and remains delinquent.
- 42. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26, 2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 14

- 43. Respondent was required by 26 U.S.C. §§ 6011, 6012, and 6072 to pay his Federal individual income taxes for tax year 2006 on or before April 15, 2007.
- 44. Respondent failed to pay his Federal income taxes and, as of November 19, 2007, owed in excess of \$20,000.00, and remains delinquent.
- 45. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26,

2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 15

- 46. Respondent was required by 26 U.S.C. §§ 6011, 6012, 6071, 6072, and 7805 to timely file a Federal employment tax return (Form 941) on behalf of Bidwell & Co., (EIN 1) for tax period 2004-03, on or before April 30, 2004.
- 47. Respondent failed to timely file a Federal employment tax return (Form 941).
- 48. Such failure to file was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26, 2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 16

- 49. Respondent was required by 26 U.S.C. §§ 6011, 6012, 6071, 6072, and 7805 to timely file a Federal employment tax return (Form 941) on behalf of Bidwell & Co., (EIN 1) for tax period 2004-12, on or before January 31, 2005.
- 50. Respondent failed to timely file a Federal employment tax return (Form 941).
- 51. Such failure to file was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26, 2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 17

- 52. Respondent was required by 26 U.S.C. §§ 6011, 6012, 6071, 6072, and 7805 to timely file a Federal employment tax return (Form 941) on behalf of Bidwell & Co., (EIN 1) for tax period 2005-03, on or before April 30, 2005.
- 53. Respondent failed to timely file a Federal employment tax return (Form 941).

54. Such failure to file was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26, 2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 18

55. Respondent was required by 26 U.S.C. §§ 6011, 6012, 6072, and 6302, as well as Subtitle C, 26 U.S.C. § 3101 et seq., to pay Federal employment taxes (Form 941) on behalf of Bidwell & Co., (EIN 1) for tax period 2004-09, on or before October 31, 2004.
56. Respondent failed to pay Federal employment taxes on behalf of Bidwell & Co., (EIN 1) and, as of January 17, 2008, owed in excess of \$400.00.
57. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26, 2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 19

58. Respondent was required by 26 U.S.C. §§ 6011, 6012, 6072, and 6302, as well as Subtitle C, 26 U.S.C. § 3101 et seq., to pay Federal employment taxes (Form 941) on behalf of Bidwell & Co., (EIN 1) for tax period 2004-12, on or before January 31, 2005.
59. Respondent failed to pay Federal employment taxes on behalf of Bidwell & Co., (EIN 1) and, as of January 17, 2008, owed in excess of \$800.00.
60. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26, 2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 20

61. Respondent was required by 26 U.S.C. §§ 6011, 6012, 6072, and 6302, as well as Subtitle C, 26 U.S.C. § 3101 et seq., to pay Federal employment taxes (Form 941) on behalf of Bidwell & Co., (EIN 1) for tax period 2004-12, on or before January 31, 2005.
62. Respondent failed to pay Federal employment taxes on behalf of Bidwell & Co., (EIN 1) and, as of January 17, 2008, owed in excess of \$500.00.
63. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26, 2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

COUNT 21

64. Respondent was required by 26 U.S.C. §§ 6011, 6012, 6072, and 6302, as well as Subtitle C, 26 U.S.C. § 3101 et seq., to pay Federal employment taxes (Form 941) on behalf of Bidwell & Co., (EIN 1) for tax period 2005-09, on or before October 31, 2005.
65. Respondent failed to pay Federal employment taxes on behalf of Bidwell & Co., (EIN 1) and, as of January 17, 2008, owed in excess of \$300.00.
66. Such failure to pay was willful and constitutes disreputable conduct pursuant to 31 C.F.R. § 10.51 generally and a willful violation of § 10.51 (f) (Rev. July 26, 2002) more particularly, for which Respondent may be censured, suspended or disbarred from practice before the IRS.

CONCLUSIONS OF LAW

67. Pursuant to 31 C.F.R. § 10.64(d), Respondent is found to be in default for failing to file an answer within the time prescribed. Default by Respondent constitutes an admission of the allegations of the Complaint and a waiver of hearing. A

decision by default may be made by the Court without a hearing or further procedure.

68. Pursuant to 31 C.F.R. § 10.68(b), Respondent, by failing to respond within thirty days of filing of the Complainant's Motion for a Decision by Default, is deemed not to oppose the Motion.
69. Respondent's actions, as set forth in Counts 1-21 above, constitute disreputable conduct as set forth in 31 C.F.R. § 10.51 and reflect adversely on his current fitness to practice, for which Respondent may be censured, suspended, or disbarred from practice before the Internal Revenue Service.
70. Respondent's repeated disreputable conduct and violation of the regulations governing practice before the Internal Revenue Service warrant an indefinite suspension lasting not less than 36 months from practice.

ORDER

Upon the foregoing findings of fact and conclusions of law and the entire record, the Court grants the Complaint's Motion for a Decision by Default, and accordingly, finds Respondent, Larry C. Bidwell, to have engaged in disreputable conduct within the meaning of 31 C.F.R. § 10.51 as alleged in the Complaint. From the date of this Default Decision and Order, the Court orders that Larry C. Bidwell is suspended from practice before the Internal Revenue Service for an indefinite period not lasting less than thirty-six (36) months, reinstatement thereafter being at the sole discretion of OPR and at minimum requiring Respondent to have filed all Federal tax returns and paid all outstanding Federal tax liabilities for which he is responsible, or to have entered into an installment agreement or offer of compromise which has been accepted by the Service and with which Respondent has remained in compliance.

This Default Order constitutes a Decision as provided in 31 C.F.R. § 10.64(d). Pursuant to 31 C.F.R. § 10.76(d), without further proceedings, a decision by an

Administrative Law Judge becomes the decision of the Department of the Treasury thirty (30) days after the date of the Administrative Law Judge's decision, unless a party files an appeal pursuant to 31 C.F.R. §, within thirty (30) days of the date on which the decision is served on the parties.

So ordered.

William B. Moran
United States Administrative Law Judge

Dated: August 17, 2009
Washington, D.C.